

STATE WINS POINT

Pollock's Injunction in Guaranty Case Set Aside.

Judge Hook, of St. Paul, Reverses Kansas Judge.

JACKSON IS PLEASED.

Calls Hook Decision Great Victory for the State.

Means Guaranty Law in Effect Pending Trial of Case.

St. Paul, May 21.—The ruling of Judge Hook, of the United States circuit court of appeals in which the order of the federal circuit court restraining the officers of the state of Kansas from carrying into effect the Kansas bank depositors' guaranty law, was vacated, has created much interest in banking circles, particularly in the southwest.

In that section of the country, Kansas, Texas and Oklahoma and Nebraska have bank guaranty laws, affected by the decision.

The injunction, to prevent the law from becoming effective was obtained by the Abilene, Kan. National bank, acting for all of the national banks of Kansas.

These organizations claimed that as the law did not allow these institutions equal rights with the state banks, it was unconstitutional, which discrimination against them, as depositors would naturally prefer banks where deposits were guaranteed and also that they were not given equal protection under the law.

Judge Hook's ruling was that there was no merit in either contention.

The suit was contested by J. N. Dolley, bank commissioner for Kansas. The bank guaranty law was an issue during the last presidential campaign and President Taft in his Minneapolis speech spoke against it and advocated in its place the postal savings bank.

"This is the most astounding victory a state ever won in the history of litigation over the guaranty of bank deposits," said Attorney General Jackson.

"I think it will practically end all litigation over the guaranty of bank deposits in Kansas as it clearly shows there will be no further trouble."

"I told Mitchell and Buchanan that if we did not win that case nothing could be said by the manner in which a court acts."

Attorney General Jackson, thus spoke this morning of the decision mentioned above and by which the cause of Judge Hook's decision was reversed and the restraining order, preventing Bank Commissioner Dolley from putting the law into effect was dissolved.

The news of the decision of Judge Hook was received here in a telegram to Attorney General Jackson Friday night. Only one day after the decision the court order granting the injunction had been reversed was contained in the message.

Bank Commissioner Dolley declined last night to give out a statement and today he was out of town and could not be seen. It is known, however, that his view is in line with the belief that the Friday decision will practically end the bank guaranty law litigation.

"I felt that we would win," said Mr. Jackson, "and the court seemed very much interested in our side of the case. I was talking with Judge Pollock about it last week and told him that the court was all our way during the argument, but also told him that the lower court, so seemed that way. He laughed."

"We don't like to be compelled to wait thirty days for the order to be handed down and then to have the full order of some kind we will do it. This will make the law operative sooner. I don't know that this is possible, but we are looking up the law upon the matter."

Temporary Injunction Was Outlined.

"It is not the testing of these laws in the federal courts that we object to. It is the temporary injunction process, by which the state is rendered inoperative for three or four years while the laws are being tested that we don't like. A mere verification of a bill of particulars by an attorney and a state law for two or three years while a test is being made in the federal courts."

In the meantime the bonds, stocks and cash deposited with Bank Commissioner Dolley by 139 state banks are held in the bank commissioner's hands. These banks had been examined and admitted to state protection under the guaranty law before Judge Pollock issued his restraining order.

It is reported as generally understood that the national bankers will have a reversal of the suit and failing in that will appeal the case to the supreme court of the United States. The attorneys for the national bankers are out of town and can not be interviewed regarding their intentions.

The Abilene case is one of the three cases brought as a result of the passage of the guaranty law. Another case was brought by the state banks and was dismissed by Judge Pollock. The state bankers appealed to the supreme court of the United States where the appeal is now pending. In the third case, brought by Bank Commissioner Dolley, the state banks sought to enjoin the bank from taking advantage of the guaranty law. Judge Pollock's decision for the plaintiff, but nothing has since been done with this case.

National Bankers Will Fight.

It was announced late this afternoon, according to an unofficial source, that the national bankers would try to hold the injunction in force while an appeal was taken to the United States supreme court. It is declared by an attorney general that this will be impossible, as he believes, and the guaranty law will be operative as soon as Judge Hook's decision reaches here. This will be about 48 days. Thus the guaranty law may become operative about the middle of July provided there are no additional delays.

GAME OF BUNCO.

Congressman Foss Brands the Whole Tariff Revision Scheme

And Republican Policy as Unmitigated Evil.

PROTECTION NEEDED

But It Is From the Payne-Aldrich Law.

Could Compete With the World Under Free Trade.

Washington, May 21.—Representative Eugene N. Foss, the newly elected Democratic representative from Massachusetts, a former Republican and a leading manufacturer, today signified his beginning of active participation in the house with a sensational radical attack upon the Payne-Aldrich tariff. He denounced the Republican policy of protection as an unmitigated evil, dayed the Republican leaders, declared the recent revision of the tariff "a deliberate bungle game from start to finish," pronounced in favor of reciprocity and demanded an "extra session of a new congress" at the earliest opportunity to revise the tariff.

"The people are indeed demanding protection," said Mr. Foss, "but the protection they are demanding is protection from the Payne-Aldrich tariff."

The speaker announced himself as favoring the creation of a tariff commission, but he wanted the commission composed of non-partisan men whose report would be made direct to congress rather than to the president. Referring to the provision in the pending sundry bill appropriating for an appropriation of \$250,000 for a tariff commission to report to the president, he said:

"Naturally it looks a little strange to some of us after all this long delay, and after the people have themselves discovered the worst evils of our tariff system, which such a commission should have exposed years ago, that it is now brought forward at this eleventh hour. Clever editors of leading journals have introduced the proposition to Cerebrus or 'a tub to the whale.' They have evidently in mind the puny feeling that pervades for the 'with Hartington for the rail' road men, Abilene for the town vote and the rest of the country for the farm vote, we have always felt that this country is a good strong throb of Crech's dynamite."

Abilene is the county seat, and is a good example of the average city and town vote in the state. The surrounding country is thickly settled with farmers, cattlemen and all aspects of rural life. With Hartington for the rail road men, Abilene for the town vote and the rest of the country for the farm vote, we have always felt that this country is a good strong throb of Crech's dynamite."

And I might say that I have felt the pulse of Dickinson county and found that there is a good strong throb of Crech's dynamite."

He expected to begin a visiting campaign in a few days.

MERCURY TOOK A DROP.

Rain and Hail Did Little Damage—Wind Blew Hard.

Dropping 15 degrees in five minutes shortly before 10 o'clock last night the mercury came down almost as rapidly as the rain and hail. The storm began at shortly after 9 o'clock and during the first half hour three-fourths of an inch of rain fell. The temperature was 68 degrees. Of this precipitation, an inch of rain was hail. The hail did no damage as far as reports this morning indicated. The storm was accompanied by a short but brilliant electrical display.

The wind which blew 25 miles an hour did little damage. One window blown in was the early morning report. More rain is coming, according to the forecast today, also colder weather.

A storm center over the Texas Panhandle, Cyclones and tornadoes are reported in Oklahoma. Another storm is reported in Kansas from Union and it is likely that this will cause the unsettled weather tonight and Sunday.

Topeka and Concordia seemed to get the most of last night's rain in Kansas. No other town reports an inch of moisture. The precipitation at Concordia amounted to 1.34 inches.

The following table shows the rainfall at various points over the state for past 24 hours:

Baker	.52	.44
Concordia	.40	1.34
Cordoba City	.42	.00
Dresden	.72	.40
Fort Scott	.84	.38
Hays	.89	.40
Holdrege	.82	.40
Macdonald	.82	.40
McPherson	.82	.40
Manhattan	.82	.40
Salina	.82	.40
Topeka	.82	1.08
Toronto	.84	.44
Wichita	.82	.44

The Rock Island is having trouble today with bad wires and a washout. The washout is on the Clay Center line, but nothing is known of it at the local offices according to information given out this morning. Trains east from the northwest are delayed several hours.

It was colder last night in western Kansas, the minimum being 42 degrees at Dresden. Temperatures yesterday evening were above normal in western Kansas.

Following are the hourly temperatures today:

7 o'clock	43	11 o'clock	74
8 o'clock	48	1 o'clock	80
9 o'clock	53	2 o'clock	75
10 o'clock	72	3 o'clock	71

Wind 12 miles an hour from the northeast.

FORGETS THE PLACE.

Goes Crazy Trying to Remember Where Money Is Buried.

Chester, Wyo., May 21.—During the panic of 1907, Mike Hill, a coal miner, lost confidence in banks, and drew out his savings amounting to nearly \$1,000, which he buried on the prairie near here. Yesterday he was adjudged insane in the county court and committed to the state asylum.

TELEGRAPH REVERSED IN BANK GUARANTY CASE.

Hill forgot where he buried his money, and his friends efforts to locate his "cache," coupled with brooding over his loss, resulted in the flight of his reason.

WILL BALLINGER RESIGN.

Reported That He Says He Will If Vindicated.

Washington, May 21.—It is reported here that Secretary Ballinger is telling his friends that he will resign after the investigating committee makes its report vindicating his official acts.

REVISION A BUNCO GAME.

"It can not be denied that the people have rightly or wrongly come to regard this 'whole revision' scheme of the Republican party leaders as planned in the last national campaign, and as promulgated in their platform, and as finally butchered in the special tariff session of congress as an international and deliberate bunco game from start to finish."

Mr. Foss declared the rallying cry should be made "Free wool and cheap clothing. Today," he said, "millions of our people are deprived of comfort and health, and even of life by the so-called protective tariff on wool and woollens for the benefit of the sheep ranchers and woolen trust."

He denounced the president's Whimsical speech which he said had a disastrous effect upon his administration and characterized part of it as the only weak and lame palliation President Taft could advance for the inequities of the woolen schedule.

Lower Sugar Duties.

Mr. Foss declared for lower duties on sugar and said the people were demanding further reductions in iron and steel.

"Now at this point," he said, "it seems to devolve upon me, as a representative here in congress of this reform and as a representative manufacturer in the iron and steel industry of New England, engaged in the production of important lines of machinery, employing large numbers of skilled workmen, and using large quantities of the finished products of the steel trust, to state publicly here that in my industry the people employed in it would not suffer under free trade conditions, that is, if the 45 per cent duty was entirely removed and provided these conditions apply to the whole iron and steel industry from the coal and iron ore up. This statement is equally true of other staples. In fact," Mr. Foss continued, "I believe today that under free trade conditions we can compete in the market of the world in most, if not all of these industries and compete to better advantage than we now do."

LONGWORTH INTERRUPTS.

Mr. Foss' maiden speech was punctuated with constant applause. His declaration that the people had lost confidence in the Republican party evoked a demonstration from the Democratic side. Mr. Longworth of Ohio sought to inject a question.

"You will excuse me," smilingly remarked Mr. Foss, "I can not be interrupted this morning."

The Ohioan sat down amid laughter from both sides.

An uproarious scene followed Mr. Foss' speech.

Mr. Hill, Conn., vehemently informed the Democrats that the idea of reciprocity which Mr. Foss advocated was in the McKinley law, but the Democrats had killed it in the Wilson law. He demanded to know why the Massachusetts member had not expressed his views before the ways and means committee when the bill was pending.

I had been ruled out of the Republican party five or six years back by leaders in Massachusetts," replied Mr. Foss. "The people know where I stand."

While the Republicans and Democrats were shouting at each other across the hall, Mr. Hammer, Idaho, a Republican, was vainly seeking recognition to question Mr. Foss.

"How can I proceed to ask him some questions?" he demanded. "Write him a letter," derisively yelled a Democrat. "Send him a wireless," yelled another.

BRYAN LOOKS AHEAD.

On Next Congress Depends Result of Presidential Election.

New York, May 21.—It will be up to the next congress to determine whether or not the next president shall be a Democrat, William J. Bryan believes.

Mr. Bryan sailed today on the steamer Celtic as a delegate at large from the United States to the international conference on the tariff in London. Judge George Gray of Delaware was a fellow passenger with Mr. Bryan.

"The next congress, which I believe will be Democratic with the members of the majority hailing largely from the west, makes a favorable record in view of the Democratic victory at the last presidential election, when 5,599,000 Democratic votes were polled. I believe that an additional million votes will be won, insuring the election of Democratic president," said Mr. Bryan just before he sailed.

Mr. Bryan was non-committal as to personal misadventure in the race for the Democratic presidential nomination.

"Governor Folk is a good man and well qualified," was his comment when the name of the former governor of Missouri was mentioned. As to Mayor Gaynor, he said:

"Mayor Gaynor has made a brilliant record, but in an administrative matter of fact," concluded the former candidate, "a year must elapse before there can be any discussion of presidential possibilities."

Judge Gray, who is the United States commissioner to The Hague in the conference over the fisheries dispute with England, was asked what he thought of Governor Harmon of Ohio as a Democratic presidential possibility. Judge Gray said he had known Governor Harmon for many years and that he was an excellent man.

After Making 450 Miles in Twenty-Hour.

Detroit, May 21.—The balloon Centennial, piloted by Captain H. E. Honeywell and carrying also W. F. Asseman, which left St. Louis in an attempt to capture the Lahn cup for long distance flights, landed at the little town of Shiloh, ten miles north of Ionia, Mich. The balloon had been in the air 22 hours and had covered 450 miles.

TOWNS WIPED OUT

Tornado Sweeps Over Three Counties in Oklahoma.

McCarty and Paoli Are Removed From the Earth.

ONE PERSON IS KILLED

And Several Seriously Injured So Far as Reported.

Heavy Rain and Hail Accompany the Storm.

Pauls Valley, Okla., May 21.—Tornadoes and hail and rain storms traversed sections of Garvin, McClain and Pontotoc counties last evening, killing one person, seriously injuring several others and practically devastating a large rural area. The village of McCarty, eleven miles southwest of Pauls Valley, Houses and residence here was literally wiped out of the earth, stores, a school house and residence being ripped into splinters.

The McCarty family, wife of a minister, was fatally injured by flying timbers. She died in a few hours. A little girl living two and a half miles from Pauls Valley, who had sought refuge in a storm cave, was seriously injured by timbers penetrating the roof of the cave. The 15-year-old daughter of Robert Clark, living in the same neighborhood, was injured in the same manner.

The town of Mayville is reported to have been blown away but the report is unconfirmed.

An early report from Madill that one man was killed and several houses wrecked is denied.

The McCarty tornado destroyed practically everything on a thousand acres. It originated three miles east of the village traveled in a northeasterly direction and spent its force near Pauls Valley. Houses and barns were wrecked, fences were blown away many cattle and horses were killed and crops were beaten into the earth by the rain and hail that followed.

Telephone lines were wrecked or blown away. Nearly all the physicians of Pauls Valley have been called into the stricken district. Until they return and until the country is surveyed, the actual extent of the damage and the number injured will not be known.

A dispatch from Wynnewood says the number injured will reach twenty in the McCarty district.

The towns of Elmore and Brady near the stricken district of Garvin county, report unusually heavy rains and light hail. The latest news from Elmore is that the town of Paoli was blown entirely away.

CENTENNIAL LANDS.

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Crossing Lake Michigan from Kenosha, Wis., the balloonists made good time at high altitude and had hopes of reaching New England until they encountered a calm over central Michigan.

Captain Honeywell said they kept at a high altitude all night because of rain storms below them and passed through a fog at 2,000 feet. "We saw a tiny chase us," he said, "but soon left it behind. During the morning the heat was intense and blizzards our faces. Passing Grand Haven about noon we were saluted by the whistles of steamers on the lake and we passed five miles north of Grand Rapids about 1 p. m."

Weather Indications.

Chicago, May 21.—Forecast for Kansas: Rain tonight or Sunday. Colder tonight.

STILL GROWING.

The readers of the State Journal will be glad to learn that its circulation over the state has made a big growth during the last twelve months—giving a total this spring larger than ever shown; that its local circulation has broken all records and is larger in Topeka today than ever before in its history. This is natural as the masses of the people have more leisure and inclination to read a paper in the evening than any other time during the day. Topeka is one of the marvelous exceptions in the whole country where both the morning and evening fields are so well covered by her newspapers—a fact of great value to the city and her business interests.

LOSES HER BABY.

Queen Victoria of Spain Meets With a Misfortune.

Madrid, May 21.—Queen Victoria was delivered of a boy still born, at 4 o'clock this morning. The unhappy outcome is attributed to a premature accouchement which, however, was otherwise natural. The body will be buried without ceremony in the royal pantheon of the monastery.

When told of King Alfonso's mother was waiting for the countess, who is still in London, where he attended the funeral of the queen's uncle, the late King Edward.

The past few weeks had been most trying for her majesty. Early in the present month the approach of the confinement was noted by the royal physicians and two days later the officials of the court were summoned under the impression that the birth was imminent. While this state of doubt existed his majesty was obliged to go to London for the royal obsequies.

According to custom Premier Canalejas y Mendez bore the body to a room adjoining the queen's chamber for the official inspection by the members of the royal family and court functionaries who had been waiting there. The present is the first instance of a still birth in the Spanish royal family although a child of Queen Isabella II lived only long enough to receive the baptism.

Queen Victoria is the mother of two boys and a girl, all surviving.

TOPEKA STANDS ALONE.

Only City in State Which is Fighting White Plague.

Topeka has the distinction of being the only city in the state which is trying to fight "The Great White Plague" in a practical manner. At the auditorium mass meeting which commenced at 2:30 Sunday afternoon, Dr. R. C. Van Sledright has been selected as the principal speaker in respect to the conditions prevailing at the present time in the capital city among those who are afflicted with this dread disease.

The principal speaker will be Dr. S. C. Emley of the State university, who is employed as a lecturer by the state board of health. He has had much experience in dealing with the subject in hand and will undoubtedly give some exceedingly valuable information. A fine musical program will be given in connection.

Below is given the program:

Flower Song, "A Bunch of Violets".....Sennett
.....Marshall's Band.
Manana, "Chilean Dance".....Missud
.....Marshall's Band.
10 Minute Address, "Local Conditions,"
.....Dr. R. C. VanSledright.
Solo, "Eyes that are Weary, Hearts that are Sore".....Brackett
.....Marshall's Band.
30 Minute address, "Prevention and Cure of Tuberculosis."
.....Dr. S. C. Emley, professor of bacteriology, Kansas State University.
Wait, "Forget-Me-Not".....Brooks
.....Marshall's Band.
Selection, "Prince of Tonkiah".....Howard
.....Marshall's Band.
Quartet, "The Love of Love, Shelley
.....Mrs. Parkhurst, Mrs. Thacher, Mr. Pribble, Mr. Hunt.
Solo, "Elizabeth's Prayer".....Wagner
.....Marshall's Band.
March, "Governor Guild".....Sargent
.....Marshall's Band.

On account of lack of time there will be no response to answers, and as no program will be printed it is suggested that those who attend cut out the program as given above.

ARREST COLLEGE MEN.

Yale Students Charged With Stealing an Automobile.

Waterbury, Conn., May 21.—Robert Kelley and Earl Hale, Yale students, are under arrest here charged with stealing an automobile owned by G. G. Prentiss of New Haven. The arrests were made late Friday night at the request of the New Haven police.

Kelley is from Xenia, Ohio, and is a member of the junior class of the Sheffield Scientific school. Earl Hale, the other student, is from Connecticut, and is a member of the freshman class of the scientific school.

The automobile, according to Mr. Prentiss, was standing at a street corner near the college buildings when taken. According to the police there were five persons in the party when the missing machine turned up at Waterbury, but Kelley and Hale were the only ones arrested, the others remaining outside the garage where the arrests were made.

IN TOILS OF THE LAW.

"White Slaver" Gets Prison Sentence in New York Court.

New York, May 21.—Marshall Marks, who was found guilty under an indictment returned by the "white slave" grand jury of which John D. Rockefeller, Jr., is foreman, has been sentenced to not less than four nor more than six years in prison.

Nicola Marin, a 17 year old girl, offered the testimony on which Marks was convicted, saying that when she accepted his advances in the belief he would marry her, he forced her onto the streets. The girl came to this country from Italy 14 months ago and will be deported.

LOST ITS TAIL.

Comet Is Now Busy Growing New One.

That Is Latest Theory Regarding Halley Visitor.

DUE TO SUN SPOTS

Which Produced Unusual Electrical Repulsion.

Old Tail Is Still Wandering in the East.

Chicago, May 21.—The theory that Halley's comet has lost its old tail, which is still floating in space in the eastern sky and is now generating a new one, was advanced by the Rev. Daniel J. McHugh, professor of astronomy at DePaw university, today. The old tail was forced away from the comet by the force of unusual electrical repulsion caused by the sun spots which were so prominent Wednesday, he thinks.

"It is my opinion," said Prof. McHugh, "that the comet lost its tail some time Wednesday night. There are records of it having done the same thing in 1835, and it is also believed that its tail was lost in March of this year. I believe there is not the slightest chance of the earth coming in contact with the tail on this visit."

TROUBLE IN PANAMA.

Canal Diggers Are Bothered by an Unusual Rainfall.

Washington, May 21.—The canal diggers on the isthmus are having trouble, principally owing to an unprecedented rainfall which has loosened the soil and interfered with engineering operations. At one place, about a mile north of Europe, an old canal dug by the French broke through the banks into the new cut, flooding the steam shovels and raising the water level. Until they were able to construct a giant dam of timber to divert the water of the old canal before operations could be resumed.

In another case, what are known as the "toes" of the west section of the Gatun dam have been sliding in and washed away, threatening the stability of the greatest efforts on the part of the engineers, ten to fifteen thousand cubic yards of material disappeared almost instantaneously into a great hole that had been washed under the corners of the dam. However, pile drivers were set to work at once and the gap was closed within a week, so that there has been no serious interruption in the work.

Great progress is being made in the construction of the mammoth locks at Gatun, according to the canal record, and 14.7 per cent of the concrete has been placed.

BETTER THAN HIS PARTY

Is the Way a Democrat Refers to Speaker Cannon.

Washington, May 21.—"Philadelphia, the city of brotherly love and bribes," and "Speaker Cannon, a Republican better than his party, but cussed by everybody," were among the characterizations made by Representative Thomas (O.K.) Cannon in the house, arraigning the Republican party in general and the Payne tariff law in particular.

Speaker Cannon has been a target for both Democratic and Republican sharpshooters, he said. "He has the courage of his convictions. If he has wielded the party lash it is because the Republican party put the whip into his hands."

He referred to 72,000 miners being on strike recently in Illinois.

"Don't you know," asked Mr. Hardy (Tex.), a Democrat, "that these facts don't interfere with the Republican orators' rounded periods at the next elections?"

"They don't interfere with the rounded periods, but they will interfere with the Republicans at the next elections."